REMARKS

Upon entry of the amendment, claims 1, 2, and 4-36 will be pending. Of these, claims 6, 8 and 18-30 are withdrawn. Claim 3 has been canceled by the amendment, and claims 1, 4, 7-10, 12, 14-16, 31 and 32 have been amended. The amendments are supported by the specification and claims as originally filed. No new matter has been added.

Attached is a Supplementary Information Disclosure Statement (IDS). The Examiner is respectfully requested to review the references on the attached form SB/08(a) and indicate that he has done so by initialing and returning a copy of the form to Applicants.

The Examiner is also respectfully reminded to consider the references submitted with an IDS on November 25, 2008, and to return an initialed copy of the form SB/08.

Objections

The amendment to claim 31 is believed to overcome the objection to the claim.

35 U.S.C. § 112, second paragraph

Claims 31 and 32 were rejected under 35 U.S.C. § 112, second paragraph, because claim 31 depended from itself, and claim 32 depended from claim 31. Claims 31 and 32 have both been amended such that they now depend from claim 1. In view of the amendment, Applicants request reconsideration and withdrawal of the rejection.

35 U.S.C. § 103(a)

Claims 1-5, 7, 9-17 and 31-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kosak (U.S. Patent No. 6,048,736) in view of Yoshimoto *et al.* (U.S. Patent No. 5,376,509), Traitler *et al.* (U.S. Patent No. 4,776,984) and Amiel *et al.* ("New Associating Polymer Systems Involving Water Soluble beta-Cyclodextrin polymers" *Journal of Inclusion Phenomena and Molecular Recognition in Chemistry* 25:61-67, 1996). According to the United States Patent and Trademark Office ("PTO"), it would have been *prima facie* obvious to one of skill in the art at the time of the invention to recognize a reasonable expectation of success via the incorporating and combining together of the Kosak and Amiel *et al.* references. Office Action at page 13. Claim 33 has been canceled and thus the rejection as applied to this claim is moot. Applicants respectively traverse the rejection.

Claims 1, 15 and 16 have been amended to require that the polymer include at least one biologically active compound or prodrug form thereof. There is no teaching or suggestion in any of the references, alone or in combination, of a polymer composition having a plurality of inclusion hosts; linking molecules, each linking molecule comprising at least two moieties that form inclusion complexes with the inclusion hosts; and at least one biologically active compound or prodrug form thereof, where the linking molecules crosslink the polymer through inclusion complexes.

The PTO conceded that Kosak does not adequately teach the limitation drawn to non-covalent, inclusion complexes in association with linking molecules, which crosslink the polymer via inclusion complexes. Office Action at page 11. However, the PTO points to other disclosure believed to be relevant.

For example, the PTO points out that Kosak at column 7, lines 53-63, discloses a polymer of cross-linked cyclodextrin derivatives that have the distinguishing property of having incorporated a drug or other active agent as a capture guest. Office Action at page 8. "Generally, the agent has also formed a noncovalent inclusion complex or inclusion compound with the cyclodextrin of the polymer." Kosak at column 7, lines 61-63 (emphasis added). Kosak, however, does not teach or suggest crosslinking of polymers via inclusion complex formation. Kosak does not teach or suggest a polymer comprising linking molecules comprising at least two moieties that form inclusion complexes with the inclusion hosts, where the linking molecules crosslink the polymer through inclusion complexes, as required by the claims.

The PTO also points out that Kosak at column 9, lines 37-42, discloses two types of coupling. The passage at lines 38-47 states that one type of coupling can be through noncovalent, "attractive" binding as with a guest molecule and cyclodextrin, and that unless stated otherwise, the preferred coupling used in the instant invention is through covalent, electron-pair bonds. There is no teaching or suggestion of crosslinking of polymers via inclusion complex formation. Kosak does not teach or suggest a polymer comprising linking molecule comprising at least two moieties that form inclusion complexes with the inclusion hosts, where the linking molecules crosslink the polymer through inclusion complexes, as required by the claims.

The PTO also stated that the scope and content of Kosak teaches each and every element of the claimed invention, and specifically that Kosak teaches embodiments directed to the entrapping quality of cyclodextrin. Office Action at page 13. Applicants disagree that Kosak teaches each and every element of the claimed invention. There is at least no teaching or suggesting in Kosak to utilize cyclodextrin to cross-link polymers through inclusion complexes.

Amiel *et al.* discloses hydrophobically-modified polymers, and the characteristic thickening properties above certain polymer concentrations due to polymolecular associations. See Amiel *et al.* at page 61, first paragraph of the introduction. Amiel *et al.* does not teach or suggest a polymer comprising linking molecules, where the linking molecules include at least two moieties that form inclusion complexes with the inclusion hosts, where the linking molecules crosslink the polymer through inclusion complexes, and where the polymer also comprises a biologically active compound or prodrug thereof.

Yoshimoto *et al.* discloses photographic processing chemicals, which include cyclodextrin linked to a water-soluble substance, such as glucose, maltose, cellobiose and the like. Yoshimoto *et al.* at column 5, lines 45-47. The PTO concluded that Yoshimoto provides reason to combine based upon the well-known properties, characteristics, and susceptibilities of cyclodextrin via the forming linking molecules. Office Action at page 14. Applicants respectfully disagree. Yoshimoto *et al.* is about photographic processing chemicals, and does not teach or suggest a polymer with linking molecules that can crosslink a polymer through inclusion complexes, as required by the claims.

Traitler *et al.* discloses the limitations drawn to linking molecules crosslinking the polymer through inclusion complexes in pharmaceutical applications, and the selective enrichment of fatty acids which will include insoluble inclusion complexes. See Traitler *et al.* at column 1, lines 42-49. Traitler *et al.* does not teach or suggest a polymer comprising a linking molecule comprising at least two moieties that form inclusion complexes with the inclusion hosts, where the linking molecules crosslink the polymer through inclusion complexes, as required by the claims.

The cited references, alone or in combination, fail to teach or suggest the subject matter covered by the independent claims 1, 15 and 16 (requiring a biodegradable polymer), or claim 17 (requiring a polymer with a plurality of cyclodextrin moieties, where each cyclodextrin moiety has no more than two bonds to the polymer backbone). The claims are therefore not obvious in view of Kosak, Amiel *et al.*, Yoshimoto *et al.*, and Traitler *et al.*

In view of the amendments to claims, and the foregoing arguments, the claims are not obvious in view of the cited references. Applicants therefore respectfully request that the rejection of claims 1-5, 7, 9-17 and 31-36 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance, which action is expeditiously requested. Applicants do not concede any positions of the Examiner that are not expressly addressed above, nor do Applicants concede that there are not other good reasons for patentability of the presented claims or other claims.

Attached is a Petition for Extension of Time for Three Months. Please apply the fee of $1110, and any other necessary charges, or any credits, to Deposit Account No. 50-2762, referencing Attorney Docket No. T2021-700810.

Respectfully submitted,

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